

II. Military Organization

701 An army, properly speaking, with cadres and hierarchies, did not exist among the Mossi.

721 In the event of war, the Tansoba or Tampsoba (war minister) notified the canton chiefs who promptly assembled with all their able-bodied men and as many horsemen as possible.

705 The villages were charged with feeding the soldiers.

III. Judicial Organization

692 Justice was rendered in conformity with local customs which
693 had been handed down from generation to generation and according to local practice.

1. By village chiefs, assisted by some of the elders, for petty affairs, pilfering, and insults.

2. The canton chief, assisted by his court dignitaries and the minister, ruled on matters concerning theft, adultery, and bodily attacks, as well as on other matters.

3. The Mogho Naba took cognizance of all matters of general interest, especially with crimes of assassination and murder. In theory, he could by himself pronounce the death sentence on the
[565] nakomsé [descendants of Mogho Naba]. Contrary to general belief, a [56] kombéré (canton chief) also had the power of life and death over his subjects. How many individuals have been put to death merely because they were wealthy! How many village chiefs have been killed by the canton chiefs over their territories without any intervention by the Mogho Naba! The nakomsé could
661 be executed, however, only for very serious crimes, such as
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684 adultery with a woman of the nobility. The guilty man was led
762 into the bush by old nakomsé; they gave him a rope with which he was expected to hang himself and thus expiate his crime.

694 Justice was free; no fee was expected or assessed. The plaintiff,
431 however, customarily presented the naba with a white or light gray rooster, accompanied by the traditional satchel containing from 200 to 1,000 cowries.

644 The sogoné may not wear trousers. He wears a type of
 357 drawers called benda. All the nahamsé (plural of naba) have
 292 followed the example of Naba Warga, and nowadays the most
 insignificant kombéré has at least a dozen sogoné.

[161]

The Napogré. General Conditions. Number of Wives of the
 Emperor Today. Ornaments.

644 Depending on whether the napagha is destined for the chief
 595 himself or for one of his brothers or sons, the instruction of the
napogré are given either in the quarters of the pugtiéma (first wife
 of the naba) or at the home of one of the old nabissi.

644 Water is heated and in it is put a bit of karite butter and other
 595 ingredients. After the girl's head, armpits, and public hair have
 302 been shaved by some old women, the pugtiéma or the old man dips
 a hand into the water, utters certain cabalistic words, and gives
 the names of all the chiefs who have succeeded each other up to
 the father of the current ruler.

644 The water is then given to the old women who bathe the
 595 young napagha. It is at this time that she is instructed in the duties
 and obligations of the napogré, what she may do and what she
 should avoid.

[301] The new wife is then adorned with bracelets, kouaba (plural
 of kobré), and with rouamba [ankle rings], or with only bracelets.
 The chief may marry her at once or, depending on the circum-
 stances, send her to the man for whom she is destined.

• [684] The napagha must never have relations with any man other
 than her husband as long as she lives. Formerly she was pitilessly
 killed if she broke this rule. [162]

[302] As we have just seen, the napagha has no hair, and this is
 301 the primary distinctive mark. Also, she wears bracelets on her
 wrists, sometimes even on her arms and some on her ankles (this
 is done mostly by favorites). Finally some wear kouaba, ornaments
 most often worn by old women.

The number of wives or napagha varies according to the im-
 portance of the naba and especially according to the desires of
naba. According to the 1926 census, the present Mogho Naba had
 thirty-seven wives.

583 to the sort of concubinage that "free marriage" is, as practiced in Mossi country.

The Situation of the Betrothed Couple during the Engagement

584 Generally speaking, the fiancé is supposed to avoid his betrothed before marriage. They treat each other with a kind of shy reserve.

Aside from the gifts made to the village elders and some cowries given to the future in-laws at the time of his first visit, no further demands are made on the fiancé.

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684 The young man is formally forbidden to carry on an intrigue with a woman in the girl's village. If he does so, not only may the engagement be broken, but the lover may never again set foot in the village on pain of death.

Breaking the Engagement

584 When an engagement is broken, the gifts received need not be returned. On the other hand, the death of the girl is not regarded as breaking the engagement; the family must, sooner or later, offer another daughter to the young man to replace the girl who died.

An engagement may be broken [179] automatically in case of adultery, discussed below, or in the event of a quarrel between the two families.

Marriage Between First Cousins

582 Marriage between first cousins is not allowed. There can be no valid union between the children of a brother and sister, between a man and the daughter of either his father's or his mother's brother.

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751 However, it sometimes happens -- inadvertently -- that a girl who has been given in marriage in a very distant village may find that her husband is a descendant of a great-grandparent (maternal or paternal) in the same family as her own. Had this been known, the marriage would not have taken place. Ordinarily, distant relationship is not discovered until long after the marriage, after complicated genealogical research. In that case, one of the pair, usually the wife,

843 4. A pregnant woman must not step over her husband; this would make him ill.

833 5. The sexual act may be performed with impunity in the courtyard of a dwelling (at night). Otherwise, it is expressly forbidden to do it outside the house and in any way other than lying on a mat or Peulh secco, in any case never directly on the ground.

845 6. The delivery will be difficult and complicated if the child was conceived in adultery. If the woman is to be delivered, it is 837 absolutely necessary that she confess the name of her accomplice 847 in the presence of witnesses. In this case, if the husband demands it -- and he always does -- the newborn child is killed by the erring wife immediately after it is born (1). [185]

1. The procedure is as follows. Some young mothers simply twist its neck and strangle it. Others put the baby in a jar of lukewarm water. The baby instinctively drinks and finally drowns.

837 Adultery. Before the arrival of the French, adultery committed by the nakomsé (descendants of naba) was punished by the death of 684 the guilty couple. Among ordinary Mossi, the culprit was simply banished from the family.

However, if the lover was not a relative of the woman's husband, he was forbidden henceforth to come to the village where the woman lived. If he failed to observe this rule, he risked being killed.

837 As a general rule, a Moaga woman takes a lover in a village some distance away from her husband's village and not far from her own. When she asks her husband's permission to visit her family, she profits by the opportunity to spend some time with her lover or to let him know that she is going to her parents' home.

Dissolution of Marriage. Divorce.

586 A divorce may be imposed by a husband who no longer loves his 842 wife, but neither ill-health nor sterility may be invoked for the purpose. In the latter case, it is simply assumed that God does not want the woman to have children. She is often regarded with scorn, but sometimes no attention is paid to her lack of children.

685 entitled to complain and merely removed the animal. If the damage was caused by a cow or donkey, the owner of the field had to obtain a witness and was entitled to recover damages.

425 Whoever found an object of small value, such as a knife or even a garment, was entitled to keep it, but anything valuable, such as a sheep, a donkey, or, all the more, a cow, had to be handed over to the naba and became his property.

684 The province chief alone could pass sentence on a rapist. He was
837 beaten and put in irons, the girl was returned to her family, and, if she gave birth, the child was killed. If the girl had been promised to the naba, the rapist was put to death. An adulterer caught in flagrante delicto could be killed by the deceived husband, but if he had not been caught in flagrante delicto, if he had managed to run away, or if he had merely been denounced by the woman, the deceived husband could do nothing. A girl's seducer usually became her husband if she gave birth, but he had to provide another girl for her betrothed.

791 The province chief had a special procedure to insure the faithfulness of his numerous wives and his pages. When a wife or page did
787 not behave properly, the Poēnaba was supposed to point them out to
837 the naba. He proceeded as follows. Every Friday the Poēnaba left his village on foot, a whip in his hand. A servant preceded him with a leather satchel containing charms. No one was allowed to come near him. Everyone fled into the bush, and the path he had followed was closed to other people until they learned that the dreadful man had reached the home of the naba. The wives were gathered together. The Poēnaba filled a large gourd with water, poured in his ingredients, and sat before it. The women came to him one by one and cast their reflection in the water. The Poēnaba looked in and claimed to recognize those wives who were faithful and those who were not. The former were allowed to go free, but they were often beaten to remove any possible inclination to unfaithfulness. Those designated as unfaithful were seized and had to denounce their accomplice. Both the man and woman were clubbed to death. If the woman pointed out as guilty had no accomplice or refused to name him, she alone was killed. Women still point out with terror the place of execution. This procedure was very barbarous, and its abuses were flagrant. To avoid an accusation which would cost them /27/ their lives, the poor women were ready to do anything, and they presented the Poēnaba with all the gifts they could gather in order to be spared.

593 not shelter her but must on the contrary return her to her husband.
 562 If difficulties arise, the husband appeals to the naba, who forces the wife to return to her husband, at whose hands she will get a beating when she arrives....

573 "... The powers of a deceived husband over his wife's lover
 837 were quite fearsome prior to our occupation. He could, at will,
 684 either deal with the culprit himself or defer his complaint to the naba. If he dealt himself with his rival and killed him, he handed out the adulterous woman to the Moro Naba and did not have to answer for his crime. If he merely wounded the man, no matter how seriously, he was regarded as having acted in the fullness of his rights as an injured husband, and he kept the wife and gave her a beating. If he appealed to the naba, the guilty pair were punished by being put in irons for a variable period of time. Furthermore, if the adultery had been committed with the wife of a dapouy naba of the Moro Naba (that is to say, a man to whom the Moro Naba had himself given some girl in marriage), the accomplice was compelled to pay the deceived husband a fine of 100,000 cowries.

"Finally, in case of adultery with a chief's wife, both culprits were put to death."

On this subject I find in my notes that prior to our occupation, when a naba was deceived by one of his wives, he killed her with
 [762] poison and ordered the wife's lover to commit suicide. The latter did this by plunging the head of a poisoned arrow into the calf of his leg.

"It is plain," the author of the Monographie goes on to say, "that the lover was dealt with in the most rigorous manner of all. He could be put to death by the deceived husband in every case, while the wives of a chief were alone liable to supreme punishment. The lover could also be punished with a fine, in a single case anticipated by custom. Finally, he was invariably put in irons on the naba's orders if the deceived husband placed a complaint against him.

"As for the adulterous wife, except when she was /563/ handed over to the Moro Naba by her husband as reparation for the murder of her partner, punishment for her misdemeanor amounted merely to a more or less rigorous beating or to irons for a short period of time. She could, it is true, be turned out by her husband, but the latter

593 made use of this right quite rarely. The woman has productive
837 value in terms of children and labor. And then, in the majority
684 of cases, the husband would merely fulfill the dearest of his wife's
desires by doing so."

593 While the Mossi wife has duties toward her husband, the latter
586 also has obligations toward his wives.

"A wife," says the Monographie, "has the right to demand
from her husband more than mere platonic relations.

"Should the latter prevail, however, owing to the husband's
impotence or illness, or simply as a result of ill will, the neglected
wife would communicate the situation to the first wife of the family
head, who would in turn inform her spouse.

"Should the husband's behavior be caused by physical incapacity,
the woman would be taken from him and given to one of his brothers,
or if there were none to his nearest relative, his sons excepted.
Should his behavior be due merely to ill will, however, remon-
strances would be made to him, and should these prove fruitless at
the end of a few days, the woman would be considered free to re-
turn to her family."

593 Just as the husband owes his wives fulfillment of the conjugal
837 duty, he also owes them relative faithfulness.

"The husband has an obligation of relative faithfulness toward
his wives, that of not keeping a concubine at the conjugal domicile.

586 Should he transgress this rule, his wives would be fully entitled to
obtain a divorce from him, unless he should agree to turn out his
partner as a result of his wives' complaint or the intervention of the
family head.

"This rule is strictly obeyed, except for the Mossi of the Kipirsi
who allow the presence of the husband's concubines among his
legitimate wives, and who have rules governing their respective
positions.

"In any case the husband is everywhere allowed to /564/ de-
ceive his wives as he pleases outside the conjugal domicile, and
they are not entitled to complain about this in any way. Nevertheless,
they nearly always have at their disposal a practically infallible al-
though circuitous means of causing the greatest inconvenience to the
fickle husband and his partner. As a result of the custom that pledges
girls in marriage at a very early age, a husband can hardly commit

644 "In addition to these dignitaries, the Moro Naba is surrounded with a veritable army of soroné (pages), samandé (bodyguards), ourkima (grooms), and jussaba (eunuchs)."

Some explanations are in order concerning the soroné. They are young boys or adolescents, from seven or eight to fifteen years old, who are to be found not only around the Moro Naba but around all Mossi chiefs, no matter who they may be, ministers, dignitaries, canton chiefs, and even village chiefs. These chiefs obtain them, as we saw earlier, by claiming the first-born son as well as the first-born daughter of all the men to whom they give a wife. The boy is made into a soroné, and the girl used to perpetuate the recruitment of soroné and servitors by giving her in marriage to one of them.

644 238 The soroné wear their hair like women. Like them, they wear heavy copper bracelets at the wrists and ankles, and if rumor is to be credited, they not only /570/ bear the attributes of women but also substitute for them occasionally. It seems that the Mossi must not have carnal relations with their wives on Friday. This is a religious ordinance meant to ingratiate the divinities, but it overlooked the soroné. . . . In any case this corruption does not reach the common masses of the Mossi, who do not have the means to employ soroné. Thus it applies only to chiefs.

644 No matter what the case may be, the soroné are usually selected among the most attractive boys, and some of them have great beauty with their woman's hairdo.

Another duty of their position is to remain virgins. . . as far as women are concerned.

644 789 684 "Every year," says Moulines, "the chastity of the Moro Naba's soroné is put to a test. They are requested by the Pouy Naba to cast their reflection into a gourd full of water, and according to the manner in which the reflection is cast, they are proclaimed free from stain or convicted of carnal relations, in which case, prior to our occupation, they were put to death without further delay. This is because the soroné, as confidants of the Naba, are often entrusted with state secrets and could only maintain the discretion required by their position if they were to avoid the entreaties of love.

644 "When the soroné reach manhood, the Naba gives them a wife and sends them away. The first child born of the union between a soroné and the wife given him by the Naba devolves to the latter,

644 "The Moro Naba, assisted by his ministers and with the help of frequent libations of dolo, listens to the requests which are made /572/ to him and passes sentence on the trials which are referred to him.

"Around eleven o'clock he withdraws into his hut and rests until three o'clock, at which time he comes and seats himself on his throne again.

"The Moro Naba's every gesture is prescribed by a minute protocol and accompanied by flute and drum music and finger snappings by his entourage.

"Is he riding out for a short stroll around Ouagadougou? The whole court follows him, either on foot or on horseback. His griot make the air re-echo with their shouts, to the accompaniment of drums and flutes. A groom leads his horse by the rein, while two soroné hold his stirrups and a third one, on horseback by his side, shelters him with a huge umbrella. Other pages follow carrying his pillow, his sword, and canari of dolo from which the sovereign draws frequent and abundant libations along the way.

"At night the Moro Naba, in disguise and accompanied by a single soroné, wanders incognito through the various village quarters in order to find out what is going on without being recognized.

[782] "On certain set dates, he goes to localities named Sabaye and Saraboutenga, not far from Ouagadougou, where he sacrifices beeves, sheep, and chickens.

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595 "The Moro Naba has very numerous wives. In addition to those he marries himself, there are those of his predecessor and all those that devolve to him in the course of his reign, among them, in certain cases, the adulterous wives of his subjects.

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684 "The sovereign's wives do not all live with him. They are settled in villages ruled by eunuchs and near which no one could come, on pain of death, prior to our occupation. Every year the faithfulness of the Moro Naba's wives is checked by submitting them to the same test as the soroné. Adultery is punished by death for the wife as well as her partner. It even seems that adultery with one of the sovereign's wives is regarded /573/ as the least pardonable crime a man can commit. In fact, the nakomse or sons of chiefs are liable to the death penalty only in this case.

582 the household a more serious and more binding affair among the
836 Bambara than in this particular region. /241/

Vadier says on the subject, "The fact that a young girl has had relations with a native other than her husband prior to marriage is by no means an impediment to the marriage.

"Many betrothed girls have lovers. It even happens quite frequently that their fathers are forced to go in search of them at the homes of the young men with whom they have run away. Actually, this matter is of no concern to the husband. As long as he gets the woman, the rest matters little to him. It is not unusual for a girl to bring a child [848] which she had by another man into her husband's home. This child eventually returns to its natural father."

582 This picture is painted in rather bleak colors. In reality, fathers
836 and mothers do try, as best they can, to prevent their daughters from
585 taking lovers. They do not like to see them go to the "tom-tom,"
626 but they can scarcely keep them from going, and often the "tom-tom,"
684 like our own country dances, plays havoc with a young girl's virtue.
If the girl says nothing, everything goes well. Since among the Mossi there is no exhibition of the skirt cloth following the consummation of the marriage, there is no evidence. Even if the husband knows ahead of time or finds out at the last moment, he says nothing out of shame, to avoid being scorned. When the father leads his daughter to the hut of the ancestors before sending her to her fiancé, however, she often does not dare enter the hut. Having lost her virginity and fearing that she might be killed by the ancestors, she admits her wrongdoing to her father. Sometimes she may have the courage or the effrontery to enter the ancestral hut, but later, if she falls ill in her husband's hut, she will interpret her condition as the ancestors' vengeance for the sort of moral perjury she committed by entering their hut in a state of transgression, and she will confess to her husband what she has done. In both cases the lover is confronted, in the first instance by the father, in the second by the husband, and a goat, two canari of dolo, and a chicken are demanded from him. A sacrifice will be offered to the ancestors with these various items to ask their forgiveness, they will pardon the wife and the lover, and order will be restored.

848 Sometimes, as mentioned earlier, a child is the fruit of a girl's passion. The lover having made reparation and the ancestors being satisfied, the husband will accept the child along with the girl, but

848 as soon as the baby is old enough to leave its mother, the husband, not wishing to keep it with him, will return the child to its natural father.

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171 In short, virginity is not rigidly demanded of the girl, although it is considered better and more respectable than non-virginity. The Mossi are not as demanding on this point as the Bambara, and in this, according to my data, they are like all other Voltaic peoples.

684 Let us note one further detail. If the lover from whom reparation is demanded for the damage caused, that is to say, the payment of the goat, chicken, and two canari of dolo, does not want to give them, the husband would formerly appeal /242/ to the Moro Naba, who forced the lover to pay what he owed and in addition confiscated for himself a part of his goods for his salary as a judge. If the lover owned nothing, his family paid for him. Nowadays, the village or canton chiefs are still approached about such matters, and they force the lover to make the customary payment.

593 Rights and duties of the husband and wife. —The husband owes assistance and help to his wife. He must protect her and come to her aid whenever necessary.

The husband must support his wife. To secure food, he usually belongs to a work group, as we have seen earlier. The work group sustains the husband and wife for seven months out of twelve. The rest of the time, the husband maintains the wife with the produce of his small fields. The wife also has her own little patches of cultivated land (as big as a handkerchief), but they are not used to procure food for the household unless the husband is completely destitute. Hence, the produce from these little patches of soil usually goes to the wife herself.

In any case, it is the husband and not the group who must provide clothing for his wife. He does this with the earnings from his small fields.

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586 If the husband should refuse to support his wife, although able to do so, she would take her complaint to the head of her spouse's family. If the husband still refused to support her after the intervention of the family head, the woman would regain her freedom and could return to her family.

573 The husband must see to his ailing or invalid wife's upkeep until her death.

562 When she dies, a woman's property goes to her children. The
428 objects used by women go to the daughters (bracelets, skirt cloths), while other items (animals, etc.) go to the sons. More exactly, the first-born is favored among the sons and the oldest girl among the daughters. If there are no children, the husband does not take anything, and whatever the wife leaves goes to her family, to her sisters and brothers in the first line of descent. Not having had any children by the deceased, the husband would be ashamed to take what she left.

837 Adultery. — The wife owes faithfulness to her spouse. Unfaithfulness, however, is not very important, for unless it occurs repeatedly it does not usually result in a break. The husband merely beats his wife and scolds her.

837 When the wife has fled to a lover, her husband goes in search of her. The lover will have to provide a sheep (the sheep may be replaced by a goat), a chicken, and two canari of dolo, all of which are to be sacrificed to the ancestors so they will forgive the woman.
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769 She cannot re-enter her house until the sacrifice has been performed; without it the ancestors would kill her. They are unbending, more so than the husband to be sure, about the latter's honor. Should a husband know his wife to be guilty and do nothing about it, the ancestors would be furious and they would kill him, hence the necessity for action on the husband's part.

837 If the husband cannot find his runaway wife, the duty of searching for her and bringing her back to him falls to his father-in-law.
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Formerly, before the French occupation, if the lover did not want to return the woman, her father appealed to the naba, that is, the chief of the village or canton, or even to the Moro Naba, who sent horsemen to arrest the guilty pair. He restored the wife to her husband and confiscated for his own benefit the lover's animals and millet granaries.

Nowadays, since the French occupation, one appeals to the commanding officer of the circle and to the native provincial court for the wife's return.

684 Sometimes, in the past, the husband killed his wife's lover when he caught him flagrante delicto. He had the right to do so, but this caused him to lose his /246/ wife who became the property of the Moro Naba. The lover's property likewise reverted to the Moro Naba.
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684 In any event, the husband did not have the right to kill his wife except when she was caught flagrante delicto, unless he was the
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684 Moro Naba or a member of the aristocracy. When one of his wives
 643 deceived him, the Moro Naba had her killed along with her lover.
 565 The guilty pair were strangled with cotton bands. Concerning the
nakomse /descendants of nabas/, the true nakomse (for the descend-
 ants of Naba Rawa and Naba Yadega are no longer considered nakomse
 at the present day and have reverted to the mass of the common
 people), the true nakomse related to royalty since the time of Naba
 Nabacéré (1625-1655) and his descendants, Pigo (1720-1739) and
 Kango (1754-1787), when one of their wives had deceived them,
 they appealed first to the Basi Naba, head of the nakomse, and pre-
 sented the guilty pair to him. The Basi Naba sent them on to the
 Moro Naba, who had the woman and her lover strangled. The lover's
 property went to the Rassam Naba, chief of the people of Bingo who
 were in charge of the execution. The same procedure applied when
 the people of Bingo (house slaves of the Moro Naba) executed the wife
 of a Moro Naba and her lover. The property, which could not with
 decency revert to the deceived Moro Naba, went to the Rassam Naba,
 chief of Bingo.

837 Just as the wife owes faithfulness to her husband, the husband owes
 684 faithfulness to his wife or wives. Violations of this rule are frequent,
 however, and the husband's escapades are far less important than those
 of the wife. In all events, the husband's infidelity never entails annul-
 ment of the marriage. Although the wives do not have the right to
 say much when their husband deceives them (provided he does not
 install his concubine in the conjugal household, and this in fact never
 happens), they do have two possibilities of revenge. The first is very
 rarely used by the Mossi women of Yatenga. It consists of notifying
 the husband of the woman with whom their husband is deceiving them.
 This results in more or less serious trouble for their husband. If their
 husband ventures to take into his hut for awhile a woman who does
 not belong to him, it may happen (and this occurs more frequently)
 that his wives will gather, wait for the guilty woman at the door of
 the soukala, and give her a good thrashing when she comes out. The
 husband cannot say anything to them. He himself is protected, so to
 speak, by his status as a husband and left outside the argument, but
 revenge is taken on his unlucky accomplice, and while nothing is said
 to him, he can do nothing to protect her.

586 Divorce. —Divorce occurs in Yatenga more frequently than among
 the Bambara for reasons which were explained above. Here are the

- 000 16. Circumcision.
 17. Excision.
 18. After the circumcision.
 19. Emancipation and coming of age.
 20. Guardianship.
 21. Adoption.
 22. Interdiction.

Let us begin with filiation.

848 Filiation. — "The Mossi," says Vadier, "distinguish three types of filiation: (1) legitimate filiation; (2) natural filiation; and (3) filiation from incest.

As for filiation from adultery, it is regarded exactly in the same manner as natural filiation.

[843] The period of gestation is believed to be from seven to twelve months. A child conceived outside this lapse of time is regarded as a natural child. Moreover, a woman need only tell her husband that the child she is carrying in her womb is not his and he will disown it.

When the illegitimate child or one born of adultery reaches the age of three or six (depending on its sex), it is entrusted to its natural father. In spite of this separation, the child retains its rights of inheritance from its mother.

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847 Filiation from incest does not exist, or rather there is not enough time for obligations and rights to be created. Indeed, according to a barbarous custom, the child born of incest is put to death immediately after birth by the women who assisted with the delivery.

835 Incest rules apply between kin of any degree in the ascending and descending lines: sister and brother, uncle and niece, nephew and aunt, and all their relatives in the direct ascending and descending lines; father-in-law and daughter-in-law; son-in-law and mother-in-law. /251/

684 When incest occurs, the guilty pair are driven from their families and from Yatenga, and the naba confiscates all their property."

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715 Theory of birth. — The Mossi believe that when a woman is pregnant, the soul of an ancestor has returned within her. We shall speak of this animistic explanation of birth later under "Religion" /not translated/.

In fact, resemblances between the child and some previously known ancestor are pointed out as often as possible, and it is said that this particular ancestor was reincarnated within the woman.

842 How children are welcomed. —The Mossi are very happy to have children and want by all means to have some. This is indeed to their full advantage, since children work from the age of seven or eight, since they make sacrifices for their parents when the latter are dead, and since the daughters, by marrying, bring in gifts for the family. The more children one has, the happier one is.

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789 "Under these circumstances," says Vadier, "a barren woman is very poorly regarded by her husband and not greatly esteemed by her neighbors. To overcome this sterility when it occurs, both spouses appeal to the gods. They both go to the tengasoba, the religious chief of the village, with a chicken, a goat, or a sheep, according to their means. The tengasoba cuts the animal's throat on a special stone, collects its blood, and boils it in a vessel along with various tree barks which have certain properties.

[431] "This concoction is then given to the woman, who must mix it with her sarabou. If the spouses later have a child, they must, under threat of calling forth the vengeance of the divinity (the Earth, in this case), offer the tengasoba a gift of 3,000 cowries if they had a boy or 4,000 cowries if they had a girl.

"The tengasoba also overcome sterility by cutting the animal's throat in the sacred grove (kango)."

847 Abortions. —Abortions nevertheless occur. Sometimes Mossi women cause an abortion in the event of an illegitimate pregnancy which occurred in the husband's absence. In addition, abortions are rather frequent among unmarried mothers. To conceal their lapse, [791] they appeal to the tipa or timisoba (makers of charms, medicines, and poisons) who give them a special brew of which they hold the secret.

[586] These practices are, of course, very poorly regarded by the Mossi. Married women who resort to them are turned out by their husband's. In addition, if a woman dies as the result of an abortion, her husband is likely to manifest joy and to state that the woman received a just punishment for her transgression. Finally, in former times after the death of the guilty woman, the husband would go to the Moro Naba [684] and denounce her lover to him. The naba confiscated all the lover's property.

843 Childbirth. —Among wealthy Mossi, the pregnant woman is treated with a certain regard. She does not work after the third month /252/ of pregnancy if this is her first, or after the sixth month if she has

593 The Moro Naba, after he has been notified by the family council,
• 684 pronounces the forfeiture of paternal authority. In case of incest, the
guilty party was driven out of the territory.

593 Duties of children toward their parents. — The children owe obedi-
ence to their father and mother. They also owe them respect.

Their labor obligations are distributed among the fields of the work
group, the father's private fields, the mother's small private plots,
and their own little plots. Naturally they work most on the large
fields belonging to the work group.

304 Circumcision. — Circumcision is performed at the age of 13 or 14.
881 It takes place in the month of December, hence during the dry, cool
season. At this time the children are not needed to help in the fields,
as they are in the winter season. This is also the case in the hot, dry
season, but at that time the wounds would heal less quickly. This
leaves the dry, cold season, which is excellently suited to the treat-
ment of the circumcised, a time when the children have nothing what-
ever to do and the grown-ups very little.

304 Circumcision is performed on a certain number of children at the
621 same time. When a small village is involved, all the children in the
593 village are circumcised at once. When a large village is involved,
881 the children in each quarter are circumcised together. The children
themselves ask their big brother if they may be circumcised when they
feel that they have reached a suitable age for this operation. The
big brother decides and says yes or no.

304 The children also set the exact date for the circumcision and go to
326 the man who has charge of the operation to make the arrangements.
881 In Yatenga, as a rule, he is a blacksmith (at Ouahigouya, for example,
from the quarter of the Baloum-Naba). Sometimes, however, non-
blacksmiths, either Foulse or Mossi, perform the operation. When
a performer of operations dies, he is replaced by someone who knows
how to circumcise, either a brother or a son of the deceased or some-
one from another family.

304 Circumcision is not performed in the evening or at night, as happens
881 among other Blacks of West Africa, but at six o'clock in the morning.
A particularly kind man among the people of the quarter or of the
village has been chosen by the children who are to be circumcised.
He wakes them up on that morning and takes them to the man who is to
perform the operation. Big brothers accompany their younger brothers,
but the father and mother do not witness the operation and are not even

KINGSHIP AND CHIEFSHIP

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The Mogho Naba had an elaborate court composed of many officials, relatives, and servants. The most important courtiers were the five ministers, who appeared daily at court and took part in all important ceremonies in addition to administering their own provinces. Aside from these men, the Mogho Naba had a number of other officials called Naba whose responsibilities covered the full range of duties in the palace and in the capital. One of the most interesting was the Pwe Naba, a royal diviner and court chaperon. His chief duty was to guard the morals of the pages and the royal wives; he also administered the ordeal to persons accused of treason. The pages were required to be chaste until they were discharged from the palace, lest their amorous adventures lead them to compromise the virtue of the royal wives, with whom they were constantly in contact. A wife and a page suspected of adultery were tested by the Pwe Naba. He forced them to look into a mirror or a calabash of water, and declared them guilty or innocent according to the way their faces were reflected. If they were found guilty, the wife was executed and the page was either executed or discharged in disgrace. The Pwe Naba also saw to it that strangers did not address the ruler's wives either on the street or in the market. Offenders were executed.

The Dapore Naba served as the court's chief executioner and as head of a group of the Mogho Naba's hereditary serfs. Members of the royal clan were executed by strangulation, since royal blood could not be shed; all other persons were executed either with a sword, by hanging, or with heavy clubs. Another palace official was the Ouedrango Naba, the head groom. It was he who saddled and presented the king's ceremonial horse to him at the morning ceremony. The Kambo Naba commanded the palace guard; only he and his guards were permitted to carry guns. The Samande Naba and the Samande Nabila supervised the work of the samande-kamba, young men who worked around the palace courtyard and kept watch with heavy batons to enforce order during ceremonies. A lesser palace official was the Zusoaba Kasanga, who, as chief of the palace eunuchs, ruled over the guardians of the royal harem. The Gande Naba made sacrifices for the ruler and also distributed gifts from the king to the royal officials and the royal household.

Another courtier, and one who played an important role during the installation of the new ruler, was the Ouagadougou Naba. As a direct descendant of the Ninisi, he was all but indispensable at sacrifices propitiating or honoring his ancestors. The Bendere Naba was the chief musician and court historian; according to some reports, a Bendere Naba was killed instantly if he made a mistake while reciting the ruler's genealogy. The Raga Naba was chief of the markets in the capital. Under him were

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V

LAW AND THE JUDICIAL PROCESS

671 THE Mossi possessed a comprehensive body of rules governing human conduct. These rules were well known to the people, and violators were punished by the responsible authorities. The Mossi might be said to have had substantive law, but they had no written codes. Nevertheless, the lack of written codes does not warrant Mangin's blanket criticism of Mossi judicial processes: "Of course, there was no written code, no formal scale of penalties. Everything depended on custom and on the whim of the judge.

[662] Thus, the wealthy could obtain sentences in their favor by paying the judges, and thieves could avoid punishment by sharing their loot with the Naba."¹

[692] Custom did dictate the penalties, just as "written custom" dictates penalties in all written legal codes. But, as we shall see, the Mossi did have a known scale of penalties. Moreover, a Mossi judge had to be careful in rendering judgment, because his decisions could be reviewed by a higher court.

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596 The head of the Mossi extended family, the *Yirisoba*, was responsible for the everyday conduct of his charges. It was his duty to settle all family quarrels, and to punish persons guilty of theft within the compound, disrespect toward elders, and incest. Punishment for the lesser wrongs included

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596 reprimands and floggings. A person found guilty of disrespect to the elders or of incest could be banished from the group. But banishment was so severe

683 that it was imposed only if the criminal refused to make the usual conciliatory gestures and was condemned by all the members of his boodoo. Even

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[613] after this condemnation, however, he could ask a "sister's son," a *yagenga*, to intercede for him. This man, the son of a female lineage member, had many privileges within his mother's brother's lineage, including the right to mediate between an exile and his boodoo.

593 Amicable relations within the family group were most often disrupted by conjugal difficulties. A Mossi husband could occasionally flog an erring

586 wife, but he was not allowed to maltreat her. When a man became disgusted with his wife and wished to repudiate her, he put her water pots in

613 the compound yard. This rather serious action often led to hostile relations

LAW AND THE JUDICIAL PROCESS

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between the lineages concerned. If either the repudiated woman or a member of her husband's lineage wished to initiate a reconciliation, she or he had to summon a yagenga. He alone was permitted to reconcile the couple after the pots had been placed in the courtyard. When a woman felt that she was being maltreated by her husband, she usually fled to her own patrilineage and waited for her husband's patrilineage—usually his brothers—to visit her male relatives and discuss the case. If the woman was judged guilty, she was reprimanded and sometimes flogged by her own relatives for causing trouble between the two lineages, and then sent home to her husband. However, if the man was found guilty, his wife was returned to him, but he was warned that he would forfeit all rights to her if he maltreated her again. A man who lost his wife through repeated maltreatment could not take the matter to court, because chiefs usually refused to deal with purely domestic issues. His only recourse was to induce one of his lineage brothers to recall a daughter who had married into his wife's lineage. This act was usually sufficient to bring about the reconciliation of the estranged couple before innocent persons were hurt. (593, 586, 613, 691)

The Mossi made every effort to solve minor problems without recourse to the chiefs. The local Boodkasemdamba and lineage elders adjudicated quarrels and simple offenses involving members of minimal segments in the various village saghse. They even tried to resolve difficulties between lineage members of larger segments who lived in different villages. The elders often imposed punishments such as reprimands, floggings, and even banishment. The convicted person did not usually appeal to the chief, because he knew that the chief would advise him to settle his problem within the family. (692, 613, 627, 681, 622)

Unrelated villagers also tried to settle difficulties among themselves without appealing to the chief. For example, a man who was caught stealing could be beaten or even killed by his intended victims, and the chief did not punish them for their action. In many cases, villagers simply took the thief back to his relatives, knowing they would punish him. Occasionally, a family disgraced by a thieving member forced him to kill himself. When this happened the chief held an inquest but took no other action. (622, 685, 627)

The Mossi gave a fairly simple explanation for returning a thief to his relatives for punishment. They said that every family had "weak" members, and that by not harming the captured thief they were only protecting themselves against retaliation if one of their own relatives should commit a similar crime. But a more important reason seems to have been their fear of starting a feud that might result in the premeditated murder of a man and the subsequent execution of his murderer. (685, 627)

The one crime that invoked terrible unofficial sanctions was rape. If the (684)

LAW AND THE JUDICIAL PROCESS

684 offender was caught in the act, he was immediately killed. If he was merely
 (613) suspected of guilt both by his own lineage and by the lineage of the wronged
 woman, he was banished from his lineage and from the village. So swift
 and sure was this punishment that a rapist always fled if he believed he
 (847) would be discovered. The Mossi considered rape such a heinous crime that
 if the act resulted in pregnancy, an abortion was attempted; if this failed,
 (613) the child was killed at birth. Furthermore, the rapist could never hope to
 (627) return to his community, because even if the yagenga appealed on his be-
 half and his lineage forgave him, the community ban still stood.²

692 The village chief was usually aware of the torts and crimes that occurred
 622 in his village, and of how the families concerned had handled them. He
 seldom interfered in the internal affairs of a lineage, or in problems be-
 tween lineages, unless he felt that a case was beyond their legal competence.
 (684) In the case of a rapist's expulsion, community feeling usually ran so high
 that if the chief intervened, it was only to support the will of the community.
 However, when people could not settle their differences peaceably or when
 a major crime was committed within a village, the chief usually summoned
 622 the offender to his court for trial. His right to do so was sanctioned by his
 692 possession of the nam, but the very concept of the nam often made his task
 565 difficult. If he was a commoner, the nobles often emphasized their rela-
 634 tionship to the holder of the royal nam, the district chief, and objected to
 695 being tried by a commoner. They usually appeared at the village court if
 summoned, but often attempted afterward to find some excuse for taking
 their case to the district chief. They felt that their local reputation would
 prevent them from receiving a fair hearing from anyone but their lineage
 brother. Furthermore, if they were judged and convicted in the lower court
 and the verdict was confirmed in the district court, they felt that the district
 chief, in concurring with the village chief, had broken the solidarity of their
 lineage. But if they took their case directly to the district chief, they knew
 they were being judged by an equal or a superior, and that an unfavorable
 judgment would not damage their status.

622 The competence of the village chief to deal with court cases was limited.³
 692 He did pass on all the legal infractions that occurred in his village, but he
 tried to adjudicate only the minor cases. Thus, he tried cases involving
 theft, quarrels, trespassing, adultery, indebtedness, and abuse, and tried to
 (697) settle them by reprimanding the guilty ones. He sent cases involving serious
 injury and homicide to the district court, along with cases he was unable
 to resolve.

692 The district court was a most efficient and effective judicial organ, and
 634 the nature of the Mossi judicial process was most evident on this level. The

LAW AND THE JUDICIAL PROCESS

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 428 father had given the woman a silver bracelet before he died, and that the
 634 babissi felt that this was sufficient, since she had a husband to provide for
 her. Furthermore, Moussa said that the inheritance had already been dis-
 tributed, and that any redistribution would impose a hardship on all con-
 cerned.

695 Interpreting the inheritance law according to common practice, the chief
 691 ruled that the milk from a man's cattle was for *all* his children, regardless
 428 of sex, and that the fact that the father had formerly given the daughter a
 634 bracelet should not have influenced the distribution of the inheritance. The
 chief stated that the woman should receive at least one cow, and that if the
 defendant did not agree, he (the chief) would recall all the animals and
 supervise their distribution. He did not feel that he had to state the prin-
 ciples by which he had reached his judgment, for the consensus among the
 people of the district was that the heir was trying to take advantage of the
 law for his own selfish interests. Rather than appeal to Ouagadougou,
 Moussa and his babissi accepted the verdict.

671 On the basis of these and other cases, we are led to the conclusion that
 the Mossi felt that law and the judicial process should serve to reconcile
 people and to maintain what was commonly considered to be social justice.

634 Most of the cases at the district court were tried in the same manner as
 692 those cited above. Cases involving relations between men and women were
 684 the most common. This is paradoxical, because the district chief tried
 593 to avoid any involvement with such cases. For every domestic case tried by
 the district chief, five others were sent back to the village or lineage level.
 Even so, it is estimated that about 80 per cent of the cases tried by Mossi
 district chiefs ultimately concerned women. The most common case of this
 type was the alleged refusal of a woman to return to her husband.* If the
 judge found that another man had encouraged her to leave her husband,
 he ordered her to return to him and warned her and the man about the
 possibility of serious difficulty with her husband's relatives. On the other
 hand, if the chief found that the woman had left a cruel husband who
 threatened to harm her or her relatives, he warned the husband not to
 carry out his threats. The Mossi had no bride price; thus, a woman's family
 was not faced with the problem of restitution. Sometimes, an angry hus-
 band did demand that his wife's family return the gifts (*pogopossum*,
 "thanks for the woman") he had given them from time to time—e.g., at
 funerals—and they complied.

684 Adultery cases were next in frequency at the district court. A man con-
 692 victed of adultery with another man's wife was either warned to leave her
 634 alone or fined a sheep or a goat. He was also liable to be put in stocks for

LAW AND THE JUDICIAL PROCESS

He was also liable to be put in stocks for several days, and when released he was warned against visiting the local markets, where he might be tempted to renew his illicit relations. A noble man convicted of adultery was often merely warned or fined, since his movements could not be restricted. But if a man caught his wife and another man in *flagrante delicto* and killed them, his act was considered justifiable homicide (even if the slain man was a noble), and he went free. If, however, he killed the lover but spared his wife, he had to send her to the chief's household. Here she was made to perform hard work under the supervision of the palace guards until it was believed that she had reformed. A man who was experiencing difficulties with an unfaithful wife and feared he might eventually kill her or her paramour also sent her to the chief's compound for a few months.

The Mossi have always been great creditors and debtors, and cases concerning indebtedness seem to have been next in frequency at the district court. The chief usually dismissed cases of indebtedness brought against minors, because it was considered unseemly for adults to give credit or to loan valuable property to youths not yet of age. Thus, if the minor's family refused to make restitution, the creditor usually had no redress. However, if a woman borrowed property and refused to return it, her husband's lineage was held responsible. Similarly, if an adult male borrowed anything and refused to return it or to do so on time, the case was taken to the local court and eventually to the district court. The creditor was asked to supply witnesses to the loan, and if the chief was satisfied that the loan had been made under the conditions specified, the debtor was ordered to make restitution. If the debtor claimed bankruptcy, the chief ordered that his goods be seized and sold, and that restitution be made to the creditor. If the debtor was truly destitute, his relatives were compelled to pay his debts. The collective responsibility of the *babissi* for the debts of its members was seen most clearly in cases where men died in a state of indebtedness. The creditors were allowed to summon the debtor's *babissi* to court, and if proof of the debt was established, the relatives were compelled to repay. If they failed to do so, the chief's police seized and sold their goods to repay the debt.

Cases dealing with violations of civil contracts were somewhat similar. The Mossi did not believe in the axiom *caveat emptor*. If a man sold an animal that died within a week for no apparent reason, the chief ordered an investigation. If it was found that the animal had been ill when sold, the chief ordered that the buyer be reimbursed. If the investigation showed that the animal had been healthy when sold, no restitution was made. Similarly, if a man borrowed an ass or an ox to transport goods and the animal

LAW AND THE JUDICIAL PROCESS

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The torture was seen as a punishment, and not as a form of ordeal to ascertain guilt or innocence. It was designed to cause the culprit as much suffering as possible before he died, and its harshness reflects the Mossi fear of witches and witchcraft. In one form of punishment called *koudgũga*, the culprit was sent to the smith, who tortured him by placing hot iron balls in both his hands. He was then beaten to death. Another type of punishment called *swengalenga* was more painful. A pottery jar from which the bottom had been removed was heated in a fire. Then it was placed over the head of the convicted witch and allowed to burn its way down onto his shoulders. The culprit was subsequently killed. Sometimes a convicted witch was not killed; instead, a man was sent to Ouagadougou to be castrated and sold as a eunuch, and a woman was sold outside the country as a slave.

Gross disrespect toward the chief and crimes of lese majesty were uncommon among the Mossi. These crimes were usually committed by persons who came into close contact with the chief—nobles and court retainers—rather than by commoners, serfs, or slaves. The most common form of lese majesty was adultery with one of the district chief's wives. The penalty for this was death for both violators. Anyone who dared insult the district chief at court was seized and executed. The same fate awaited those who talked about him maliciously in public or threatened to stir a rebellion against him. If the culprits were commoners, they were executed; if they were nobles, they were strangled in secret or were forced to commit suicide.

The district chief was caught in a dilemma whenever nobles committed major crimes or unlawful acts. They could not be imprisoned, and only the Mogho Naba had the legal prerogative to execute them. When a noble committed a major crime such as treason or rebellion, he was sent to the capital to be executed by slaves, who strangled him with a piece of cotton cloth. However, no district chief could allow the nobles to commit crimes with impunity, secure in the knowledge that they could only be punished at Ouagadougou. If a nobleman subverted the chief's rule by repeated acts of cruelty and brigandage, he was executed, although illegally. The executioners were the Baglere Naba and the Dapore Naba. These two men secretly visited the condemned noble, taking with them a bundle as a present from the chief. This bundle contained a new white robe in which were secreted a chief's bonnet and a poisoned arrow. As soon as the noble saw the gift, he knew that he was being ordered to kill himself. If he attempted to raise an alarm or run away, he was instantly strangled and his body was discarded in the bush. If he accepted the sentence, he was allowed to have food prepared, to eat, and then to kill himself. The chief ordered an elaborate funeral for his kinsman as though he had died an ordinary death. Thus, he was able to observe all the proprieties while at the same

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LAW AND THE JUDICIAL PROCESS

696 be related to her was tried and executed. In some cases, he was put to death
692 without a trial. Adultery with a royal wife was considered so reprehensible
634 that both adulterers were publicly beaten to death. Their bodies were
[687] denied burial and were thrown into the bush to be eaten by vultures. The
[684] Dapore Naba and the Baglere Naba seized and retained the man's property.

Men who committed treason against the Mogho Naba were usually
687 killed before they could be tried. Chiefs and nobles who were suspected of
643 treason and who consented to come to Ouagadougou for trial were deposed
692 and executed if found guilty. Those who were found innocent were
released and sent back to their chiefly duties. The sole exception on record
to this general rule was the case of Naba Yemde, a Dim of Boulssa province.

[669] He had fought and defeated the forces of Mogho Naba Sanum, and when
the Mogho Naba sent a larger army and routed him, he was treacherously
delivered to the monarch by another Dim. Sanum found Yemde innocent
of treason, but had him executed because he had violated another rule: as
the descendant of a Kourita, he had come face to face with the Mogho
Naba, thus jeopardizing the monarch's life. This exception is always cited
by the Mossi when the inevitability of execution for treason is brought up.
Actually, a person accused of treason rarely went to court. He either took
poison or died in battle against the royal forces. As a posthumous punish-
ment, his compound was burned, his property seized, and his relatives and
servants sold into slavery outside the country. Thus, the supreme penalty
[613] was not merely the death of a traitor but the permanent banishment of his
entire lineage.

837 man even refrains from making overtures to a woman whose husband's female relatives may be married to a member of his own lineage. He fears that a wronged husband may have the wives of his lineage brothers recalled, thus causing dissension within and between the two lineages. If none of these complications are present, a man seeks out a person who knows the woman and sends a message declaring his intentions. If the response is favorable, the man then buys four large kola nuts (four being the number for a woman), wraps them together with 44 francs, and send them to his lady. This procedure may be followed on subsequent market days without the two parties ever coming into direct contact with each other. Finally, however, a rendezvous is arranged, and on the pretense of leaving the market to visit a relative for several days, the woman goes instead to her lover's village.

837 These casual affairs started at the market sometimes become quite serious, and if for any reason they are sanctioned by the relatives of either the man or the woman, they often lead to the breakup of a marriage. And since the market is the place where disputants of any sort most likely come into contact, it is here that fights over "stolen" wives break out.

837 This pattern of extramarital relationships centering around the market place is so common among the Mossi that the younger men, and even some of the older ones, are disappointed with the "market" when their mistresses do not appear. Mossi men who sit under the shelters around the market place can usually give an inquirer not only the name of a woman, the name and village of her husband and father, but also the name and village of her paramour. Characteristically enough, they are always "ignorant" of the escapades of their own female relatives or of the wives of their lineage members. The only time when men act as though their relatives might be involved in extramarital affairs is when for some purpose or another a man has to recall a wife or daughter who has gone to visit a relative in another village or district. Regardless of how pressing the problem may be, a man will seldom go directly to his father-in-law's house to recall the woman. He goes to the market nearest to his in-laws' village, and seeks his wife there. If he does not find her or any of her relatives, he goes to the part of the market in which people from her village sell their products and sends a message to her family that he will come for her the next day, or that he would like her to come home.

443 A market place is also one of the best places to look for news of a runaway wife, or of any stranger in an area. The Mossi say that women have footprints like an elephant in that they can be found quite easily, but that the footprints are always clearest in the market.